

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION  
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)  
) MDL No. 1456  
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) Civil Action No. 01-12257-PBS  
)

THIS DOCUMENT RELATES TO:

) Judge Patti B. Saris  
)  
)

*State of Montana v. Abbott Labs., Inc., et al.,*  
D. Mont. Cause No. CV-02-09-H-DWM  
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**[PROPOSED] ORDER GRANTING DEFENDANT  
DEY, INC.'S MOTION FOR LEAVE TO FILE UNDER SEAL**

THIS MATTER is before the Court on Defendant Dey, Inc.'s motion for leave to file under seal. The Court, having considered all pleadings in support and in opposition thereto, and being fully advised in the premises, hereby

GRANTS Dey, Inc.'s motion for leave to file under seal the following items:

1. Declaration of Peter Brase Concerning Claims Data Produced by the State of Montana, dated February 7, 2007, with exhibits;
2. Affidavit of Pamela Marrs in Support of Dey, Inc.'s Motion for Summary Judgment, sworn to on February 6, 2007, with exhibits;
3. Declaration of Russell R. Johnston in Support of Dey, Inc.'s Motion for Summary Judgment, dated February 6, 2007, with exhibits;
4. Declaration of Neil Merkl in Support of Dey, Inc.'s Motion for Summary Judgment, dated February 7, 2007, with exhibits;
5. Concise Statement of Undisputed Material Facts in Support of Dey, Inc.'s Motion for Summary Judgment, dated February 7, 2007, with exhibits;  
and
6. Memorandum of Law in Support of Dey, Inc.'s Motion for Summary Judgment, dated February 7, 2007.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Patti B. Saris  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of February, 2007, a true and correct copy of the foregoing document was served upon all counsel of record by electronic service pursuant to CMO No. 2, by causing a copy to be sent to LexisNexis File & Serve for posting and notification.

A handwritten signature in black ink, appearing to read "P. D. Robben", is written over a horizontal line.

Philip D. Robben